

A. CASH ASSISTANCE PROGRAMS

Purpose: This section contains rules and procedures on how to decide who is in an assistance unit for TANF, SFA, and GAU.

Effective March 1, 2001

WAC 388-408-0005 What is a cash assistance unit?

- (1) For all sections of this chapter:
 - (a) "We" means the Department of Social and Health Services.
 - (b) "You" means a person that is applying for or getting benefits from the department.
 - (c) "Assistance Unit" or "AU" is the group of people who live together and whose income or resources we count to decide your eligibility for benefits and the amount of benefits you get.
- (2) For GA-U, we decide who is in the AU under WAC 388-408-0010.
- (3) For TANF or SFA, we decide who is in the AU by taking the following steps:
 - (a) We start with who must be in the AU under WAC 388-408-0015;
 - (b) We add those you choose to have in the AU under WAC 388-408-0025; and
 - (c) We remove those who are not allowed in the AU under WAC 388-408-0020.

CLARIFYING INFORMATION

For cash programs, we decide who is in the AU at application and when someone moves in or out of the home. We make this decision before we look at financial eligibility requirements.

In general, we decide who to include in the AU based on the relationships of people living in the home and whether they meet eligibility requirements other than income or

resources. We may allocate the income of someone in the home excluded from the AU to people in the AU if the excluded person is financially responsible for someone in the AU.

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WAC 388-408-0010 Who is in my assistance unit for general assistance?

- (1) If you are an adult that is incapacitated as defined in WAC 388-448-0001, you can be in a GA-U AU;
- (2) If you are married and live with your spouse, we decide who to include in the AU based on who is incapacitated:
 - (a) If you are both incapacitated as defined in WAC 388-448-0001, we include both of you in the same AU.
 - (a) If only one spouse is incapacitated, we include only the incapacitated spouse in the AU. We count some of the income of the spouse that is not in the AU as income to the AU under WAC 388-450-0135.

CLARIFYING INFORMATION**1. Home monitored clients for GAU:**

Clients that are under "home monitoring" or "home detention" are not eligible for GAU because they are considered a "person in an institution". See WAC 388-400-0025.

2. Married couples that are both incapacitated:

If a husband and wife that live together are both incapacitated and apply for GAU, they are in the same AU. We base the AU's benefits on the two-person payment standard for GAU, not two times the amount of the one-person standard. See WAC 388-478-0030 for the GAU payment standard.

3. A client that is eligible for TANF/SFA can't choose to get GAU:

Because GAU is a state-funded program, clients that are eligible for a federally funded program are not eligible for GAU. If a client can get TANF or SFA, they can't get GAU under WAC 388-400-0025.

EXAMPLE

A client takes care of their grandchild on an ongoing basis. Because the client can get TANF, they can't choose to get GAU for their own needs and not have assistance for the grandchild.

4. A client that is not eligible for TANF due to a child's income:

If an AU with an incapacitated adult is over income for TANF because of a child's income, the incapacitated adult may be eligible for GAU. A GAU AU contains the incapacitated adult and their spouse if the spouse is also incapacitated. We don't allocate the child's income to the parent because the child isn't financially responsible for the parent. See WAC 388-450-0100.

EXAMPLE

An incapacitated client applies for TANF for herself and her daughter. The daughter gets a monthly SSA death benefit of \$475 monthly. This income makes the AU ineligible for TANF. Since the client is incapacitated and ineligible for TANF, we can look at GAU eligibility. The daughter is not in the AU, and the death benefit is not allocated to the AU.

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WAC 388-408-0015 Who must be in my assistance unit for temporary assistance for needy families (TANF) or state family assistance (SFA)?

If you live with any the following people, we must include them in your TANF, SFA, or combination TANF/SFA AU:

- (1) The child you are applying for and:
 - (a) The child's full, half or adoptive sibling(s);
 - (a) The child's natural or adoptive parent(s) or stepparent(s); and
 - (b) If you are a pregnant minor or a minor who is a parent and you live with your parent(s), we include your parent(s) if they:
 - (i) Need assistance; and

- (ii) Provide the primary care for you, your child, or your siblings. We count full, half, or adoptive siblings as your sibling.
- (2) If you are pregnant and you do not have a dependent child living with you, we include only you in the AU.

CLARIFYING INFORMATION**1. Home-monitored clients for TANF/SFA:**

A client that lives in the home but is under home monitoring or home detention ordered by the courts is living in the home. We do not consider them as inmates of a public institution. Clients that live in a public institution aren't eligible for TANF under WAC 388-400-0005.

2. How a child's adoption affects the relationship between a child and their siblings:

Adoption ends the legal relationship between biological siblings.

EXAMPLE

Doug and Wendy have legally adopted their 12-year-old grandchild Tom. They have taken in Tom's little sister Lisa, but haven't adopted her. Doug and Wendy want TANF for Lisa as non-needy caretaker relatives. Because his grandparents legally adopted Tom, we do not recognize Tom and Lisa as having a legal relationship as siblings.

NOTE: If Doug and Wendy wanted assistance for both Tom and Lisa, the four of them would all be in the same AU as required under WAC 388-408-0030.

3. When a pregnant minor or minor parent lives with their parents:

It doesn't change who we include in the AU if a pregnant minor or minor parent who lives with their parent gets married, starts military service, or gets emancipated by court order.

4. How we apply the AU rules in some common situations:

- a. A non-needy grandmother applies for assistance for one grandchild. She cares for that child's half-sister, but doesn't want assistance for her because the child's father pays \$250 child support each month. We can't exclude the half sister from the AU because of her relationship to the other child.
- b. A married woman applies for assistance for herself and her two children from a previous marriage. She lives with her husband. She has a child in common with her husband and he has a child by a previous marriage. She doesn't want assistance for her husband, his child, or the common child. We must include all of the children in the AU because the common child is a half-sibling to her children and his child. The father must be included because he is the natural father of two of the kids and the stepfather of the other two.
- c. A grandmother applies for cash assistance for her grandchild as a non-needy relative. The minor parent of the grandchild lives in the home as well. Since you can't separate a child from their parent that lives in the home, we must include the minor parent in the AU. In this case, we would include the minor parent and allocate the income of their parent to the AU.

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WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit?

Some people cannot be in an AU for TANF or SFA. This section describes who cannot be in your TANF or SFA AU and how this will affect your benefits.

- (1) We do not include the following people in your TANF or SFA AU:
 - (a) An adopted child if:
 - (i) The child gets federal, state, or local adoption assistance; and
 - (ii) Including the child in the AU and counting the adoption assistance income would reduce your AU's benefits.
 - (b) A minor parent or child who has been placed in Title IV -E. state. or locally-

funded foster care unless the placement is a temporary absence under WAC 388-454-0015;

- (c) An adult parent in a two-parent household when:
 - (i) The other parent is unmarried and under the age of eighteen; and
 - (ii) We decide that your living arrangement is not appropriate under WAC 388-486-0005.
 - (d) A court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* (in the place of a parent) if they are not a relative of one of the children in the AU as defined under WAC 388-454-0010; or
 - (e) Someone who gets SSI benefits.
- (2) If someone that lives with you cannot be in the AU:
- (a) We do not count them as a member of the AU when we determine the AU's payment standard; and
 - (b) We do not count their income unless they are financially responsible for a member of the AU under WAC 388-450-0095 through 388-450-0130.

CLARIFYING INFORMATION

If a financially responsible person cannot be in the AU under WAC 388-408-0020, we allocate the income of this person to the AU. How we allocate this income varies based on why the person is ineligible. See **INCOME- Allocation and Deeming**.

If a minor parent gets Title IV-E foster care, the minor parent's child is not eligible for TANF or SFA. The foster care payment includes the child's needs.

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WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit?

If you are a child's caretaker relative (a relative that cares for the child's basic needs); use the table below to find who you may choose to include or exclude in your TANF or

<p>SFA AU. If you include a child in your AU, it could cause you to get more or less benefits. If someone is not allowed in the AU under WAC 388-408-0020, you cannot choose to include them in your TANF or SFA AU.</p>	
<p>(1) If you are the parent of the child, you may choose whether or not to include:</p>	<p>(a) Yourself in the AU if the child gets SSI; and</p> <p>(b) The child in the AU if:</p> <p>(i) You already receive TANF or SFA</p> <p>(ii) You are not married to the child's other parent; and</p> <p>(iii) The child lives with both parents</p>
<p>(2) If you are not the child's parent, and do not live with the parents of the child, you may choose to include either:</p>	<p>(a) Yourself if you are a relative defined in WAC 388-454-0010; or</p> <p>(b) Someone else that cares for the child and is a relative defined in WAC 388-454-0010.</p>
<p>(3) You may choose whether or not to include any of the following children:</p>	<p>(a) Brothers or sisters of a child who gets SSI;</p> <p>(b) Step-sisters and step-brothers of a child; and</p> <p>(c) Other children that are not the child's brother or sister</p>

WORKER RESPONSIBILITIES**1. Parent or caretaker relative of a child that gets SSI:**

In order to decide if an AU member is eligible for TANF, count a child who gets SSI an “eligible child” even though the child isn't eligible for TANF. Don't include the SSI child's income, resources, or needs when you determine the AU's eligibility and grant amount. If the parent of a SSI child asks for assistance as a needy caretaker relative, don't include the parent's spouse or other children in the AU unless the parent wants assistance for them.

2. Relatives who are not the child's parent:

- a. If a relative who isn't a parent chooses to get TANF instead of foster care payments they can choose whether or not to be in the AU based on their needs.
- b. If a relative who isn't a parent chooses to get foster care payments for a child in their care and the relative needs financial assistance, count the child a “dependent child” to make the relative eligible for TANF or SFA. Don't include the foster child's income, resources, or needs when you determine the AU's eligibility and grant amount.

3. Unmarried parents with child in common:

Unmarried parents that live together may choose to exclude their common child if one of the parents is a TANF or SFA **recipient**. The excluded child in common may be eligible for H medical.

EXAMPLE 1

A mother and her two children get TANF and live with the mother's boyfriend, who is not the father of her children. The mother gives birth to her boyfriend's child. The mother can choose whether or not to include the baby in the AU. If we include the baby, we must include the boyfriend. If the boyfriend has income or resources, it may be the best for the client to not include the common child.

EXAMPLE 2

Two unrelated TANF AUs get assistance and live together. (AU#1 is a woman and her two children. AU#2 is a man and his two children.) The woman and man

have a child in common. The couple can choose whether or not to include their child in common in the AU. If they choose to include the child in common, everyone would be in the same AU as required under WAC 388-408-0030.

EXAMPLE 3

AU contains a woman, her boyfriend, his child, and their common child. Nobody gets TANF or SFA. The boyfriend applies for TANF for himself and his child only. He doesn't want to include the common child because the mom gets UC and can provide for their child. As an applicant, the boyfriend doesn't have the choice to exclude the common child. All four people are in the AU since we can't exclude the common child for a reason other than need.

NOTE: In the example above, if the AU is eligible when we include the woman's income, the AU can then exclude the common child because it is now a **recipient AU**. If the family is eligible in the month of application, you can consider them as recipients and exclude the child before you issue benefits for the AU.

EXAMPLE 4

Susan applies for assistance for herself and her two children from a previous marriage. She lives with her husband Doug who has a child named Timmy from a previous marriage. The couple doesn't have a child in common. She doesn't want assistance for Doug or Timmy because he works and gets child support. Even though we can exclude Timmy from the AU because he is the other children's stepbrother, we must include Doug because he is the stepfather to Susan's two children. If we excluded Timmy, we would allocate some of Doug's earned income to Timmy. See **INCOME - Allocation and Deeming**.

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WAC 388-408-0030 What children must be in the same TANF or SFA assistance unit?

A child who applies for or gets TANF or SFA must be in the same AU as other children who get TANF or SFA and live with the same:

- (1) Caretaker relative;
- (2) Court-ordered guardian or court-ordered custodian; or

- | |
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| (3) Adult acting <i>in loco parentis</i> . |
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WORKER RESPONSIBILITIES

1. If we don't have to include a child in the AU under WAC 2388-408-0015, give the caretaker relative, guardian, or custodian the choice whether or not they include the child in the TANF/SFA AU.
4. Explain to the client that the child cannot receive TANF/SFA in a separate AU.

EXAMPLE 1

Aunt applies for TANF for her niece and nephew, who are cousins. The aunt doesn't want assistance for her needs. Set up a two-person AU for the niece and nephew.

EXAMPLE 2

Married couple applies as needy relatives for their two grandsons. The grandsons are cousins to each other. Even though the grandfather claims to be the caretaker of one child and the grandmother claims to be the caretaker of the other, we must include the two children in the same AU. Allow only one of the grandparents as the needy caretaker.

EXAMPLE 3

Woman applies for TANF for her daughter and nephew. Since the woman is the caretaker relative for both children and is the parent of one, include all three people in the same AU.

EXAMPLE 4

Grandmother and two grandchildren get a three-person grant. Her husband starts to get retirement benefits. We allocate \$700 of the retirement benefits to the AU because the husband is financially responsible for his wife. Because the grandmother isn't financially responsible for her grandchildren, don't terminate assistance due to the excess income. Remove the grandmother from the grant and continue assistance for the grandchildren.

EXAMPLE 5

A client gets a three-person grant of \$546 for herself, her daughter and her nephew. She starts working and has monthly gross earnings of \$1100. Terminate assistance for the woman and her daughter and authorize transitional medical. Continue cash assistance (one-person grant) for the nephew.

When the income of an AU member reduces the grant payment to a level that is less than what the other AU members would get if the individual with income were not included, inform the client of the option to request termination for the AU member with income. By making this choice, the family would get more cash and, if the person with income is an adult, preserve their time-limited TANF eligibility. Add the following free form text to the ACES client notice:

"Your family may be better off financially if you stop getting a cash grant for (Name of person receiving the income). To find out, call me at the number listed above."

EXAMPLE 6

A client gets a three-person grant for herself, her daughter and her nephew. She starts working and has gross earnings of \$800 per month. When we budget the income, the AU is eligible for a grant of \$146. However, if the client chose to end TANF for herself and her child, she could get a one-person grant of \$349 for her nephew and preserve her TANF eligibility under the five-year lifetime limit.

ACES PROCEDURES

For each member listed on the (STAT) screen, decide how that person relates to the head of the household and enter the valid value for that relationship. <F1> gives all possible relationship valid value codes.

For each member listed, decide if that person must be in the AU, is included in the AU by choice, or is not a member of the AU. Enter the appropriate financial responsibility code for each member of the AU. <F1> for valid values.

NOTE: There are some valid values you can't enter in the Financial Responsibility field. ACES will enter these values after it determines eligibility and you finalize the action. Make sure that all the following conditions are true before you use the non-member valid value [NM]:

- The person isn't part of the AU;
- The person isn't financially responsible for anyone in the AU; and
- We don't have to count the person's income or resources when we determine the AUs eligibility or benefits.

For more complete details see: **APPLICATIONS** and **INTERVIEW REQUIREMENTS**